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16 UNITED STATES DISTRICT COURT  
17 NORTHERN DISTRICT OF CALIFORNIA

18 TERRANCE AMONS; TERRELL  
19 AMONS; SANDRA TALBERT,

20 Plaintiffs,

21 vs.

22 CITY OF PITTSBURG; PITTSBURG  
23 POLICE OFFICER JESUS ARELLANO;  
24 PITTSBURG POLICE OFFICER DILLON  
25 TINDALL and DOES 1-25;;

26 Defendants.

27 Case No. C19-00301 KAW

28 **AMENDED UPDATED JOINT CASE  
MANAGEMENT CONFERENCE  
STATEMENT**

Date: November 19, 2019

Time: 1:30 p.m.

Dept: Oakland Courthouse TBD

Judge: Hon. Kandis Westmore

27 The parties hereby provide an Updated Joint Case Management Conference ("CMC")  
28 Statement for the upcoming CMC on November 19, 2019. The previous extensive Initial Joint  
1 CMC Statement was filed on June 17, 2019 (ECF 23). This matter already has a schedule and trial  
2 date per the Court's Case Management Scheduling Order (ECF 26). The parties are amenable to  
3 the Court vacating the current CMC if the Court believes this update addresses the needs of the  
4 Court.

## I. ADR

## Plaintiffs

Plaintiffs believe that further settlement talks are appropriate in this case. The Defendants have now conceded that the Decedent was wearing a seatbelt when he was shot by the Defendant officer that one or both officers were aware of at the time of the incident, so it is not likely that the Defendants will prevail on a motion for summary judgment.

## Defendants

On November 8, 2019, the parties attended an Early Neutral Evaluation session with Evaluator Mr. David Meadows which was meaningful and substantive. All relevant parties were in attendance. Defendants do not believe this case is suitable for further ADR or a Settlement Conference and would like to proceed with discovery and, at the appropriate time, submit a motion for summary judgment regarding the key use of deadly force issue in this matter.

## II. DISCOVERY

## **A. Plaintiffs' Inadequate Discovery Responses**

Defendants sent written discovery to Plaintiffs, including special interrogatories and requests for the production of documents. However, Plaintiffs discovery responses were inadequate. First, despite identifying a number of documents in response to the requests for production of documents, Plaintiffs failed to produce a single document. Further, Plaintiffs failed to answer a number of relevant special interrogatories citing a generic relevance objection.

Pursuant to Your Honor's general standing order regarding civil discovery, Defendants sent a meet and confer letter to Plaintiffs outlining the specific deficient discovery responses and arranged a telephone call for November 1, 2019. During the call, Plaintiffs agreed to correct their deficient responses by the date of the ENE Conference. As of now, Plaintiffs have failed to correct their deficient discovery responses and have completely failed to respond to Defendants' recent email communications regarding these issues. Defendants will continue to meet and confer regarding these discovery issues, but may need to involve Your Honor in the matter if Plaintiffs continue to ignore their discovery obligations.

1                   **Plaintiffs**

2                   Plaintiffs are aware of the alleged deficiencies in their discovery responses and are working  
3 on correcting these deficiencies in order to furnish supplemental responses to the Defendants.

4                   **B.        Depositions**

5                   No depositions have yet been completed, but depositions will be scheduled for December,  
6 January and February in this matter.

7                   The parties attest that concurrence in the filing of these documents has been obtained from  
8 each of the other Signatories, which shall serve in lieu of their signatures on the document.

9                   Dated: November 14, 2019

10                  By: /s/ Goff, Stanley

11                  Stanley Goff  
12                  Attorney for Plaintiffs

13                  Dated: November 14, 2019

14                  By: /s/ McNamara, Ney, Beatty, Slattery, Borges & Ambacher LLP

15                  McNAMARA, NEY, BEATTY, SLATTERY,

16                  BORGES & AMBACHER LLP

17                  By: /s/ Blechman, Noah G.

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